



Arlington Finance Committee

Date: Wednesday, March 20, 2024.

Time: 7:30-10:00pm.

Location: O'Neill Community Room, Public Safety Building, 112 Mystic Street, Arlington, MA.

Agenda

1. Review and approve minutes.
2. Review Budgets.
3. Other Business.

Members of the public are asked to send written comments to
tbradley@town.arlington.ma.us

Documents regarding agenda items will be made available via the Town's website.

By Christine Deshler, Finance Committee Chair

Reference 1: Water & Sewer FY25 Budget Preview

Reference 2: Water & Sewer FY25 Budget Preview Email Gibian 20240309

Reference 3: Great Meadows Expenses Emails Gibian White 20240202

Reference 4: Public Comment Articles 43 & 44 Email Stoff 20240318

Reference 5: Public Comment Articles 43 & 44 Email Stoff 20240318 Attachment
NPDES Climate Planning

Reference 6: Public Comment Articles 43 & 44 Email Stoff 20240318 Attachment

NPDES Permit Letter Feeney Helmuth 20231127

Reference 7: Articles 43 & 44 Email Stoff 20240318 Attachment Comments

FY 2025 Water and Sewer Budget “preview”**Operating (not including indirect exp)**

Where	What	Why	Comment
Water Dist System Salaries & Wages	9.63% increase	-union settlement -1 new position added	-added Senior Engineering position, \$82,340 -is vacant; also 3 other positions vacant -total 4 vacant positions

Indirects

Where	What	Why	Comment
DPW Staff Indirect charges	3.3% increase	Increases in DPW dept’s budgets voted last year	Amount is based on last year’s voted <i>total budget</i> (similar to non-DPW indirects)
Workmen’s Comp	No change	Claim infrequency	-Increase in actuals, 1 claim being paid, -Just 1 st claim in over 12 years
Health Benefits	3% increase	Health insurance increases	This is the number from the state we’re expecting sooooooon.
Indirect Costs	4.06%	Increase in non-DPW budgets voted last year: - Comptroller - HR - Town Mgr - Select Board - IT - Treasurer - Legal - Postage	Amount is based on that non-DPW last years voted <i>total budget</i> (similar to DPW Staff Indirects) - % of total budget was determined by Powers & Sullivan study, circa 2012 - (<i>represents</i> amount/ % of time worked on W&S items)

Debt Service

Where	What	Why	Comment
Water Debt Service Debt Capital (sic)	7.87% Increase	increased amount of debt of (interest free) MWRA loans	water main maintenance: - Article for Water Mains has increased last few years from earlier years (e.g.1.5m fy 2025)
Water Debt Service Principal & Interest	10.36% decrease	Decrease in interest loans	Shift to interest free loans

Total Expenses increased 2.66%, and so Total Revenues amount increases 2.66%

Increase in revenue sourced from 2.7% increase in (total) user fees: typically # of total users increases

Grant Gibian <grantgibian@gmail.com>

To: jtremy90@gmail.com; +40 others

Sat 3/9/2024 12:50 PM

Water and Sewer Budget preview.pdf

42 KB

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi everyone,

To prepare for the upcoming and ever exciting event of the water and sewer budget presentation, I am writing to ask everyone to review the *current* W&S budget and to please email me by the end of Monday with any questions .

As we all probably know at this point, the current (budget book) budget changes once the insurance numbers are announced. The changes affect the indirect expenses and, naturally, several totals as well: they don't affect the operating and debt service portions of the budget. By the way, *this* is why it's almost always done last :).

Spoiler Alert: Attached and pasted below is a W&S "preview", addressing the more obvious budget items. It's likely the flattest W&S budget I've seen.

Thanks,
Grant

FY 2025 Water and Sewer Budget "preview"

Operating (not including indirect exp)

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Re: Great meadows expenses

CW

Carolyn A White <cawhitema@gmail.com>

To:

grantgibian@gmail.com

Cc:

Tara Bradley; **+40 others**

Fri 2/2/2024 6:42 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thanks Grant!

This information, and more importantly the page number, is quite useful to the Water Bodies and Conservation Committee.

Water Bodies was thinking of asking Lexington to assist in expenses of Mill Brook and more importantly the Reservoir to reduce invasive water chestnuts. However, given that the amount the Town of Arlington pays Lexington is so low, we'd likely open a can of very expensive worms. On top of that, I suspect those water chestnuts are coming from Great Meadows, which belongs to Arlington.

Water Bodies won't pursue this any time soon.

Have a wonderful weekend,

Carolyn

Carolyn A White, PT, MBA

cawhitema@gmail.com

(617) 417 - 7177

On Thu, Feb 1, 2024 at 9:43 AM Grant Gibian <grantgibian@gmail.com> wrote:

Hi all,

There was a slight air of mystery last night when it came to the question of Arlington's payments to Lexington for Great Meadows.

The Water and Sewer Budget, as almost always, can help shed some light on this... and perhaps solve this slight and obscure mystery:

W&S Budget page 167

5530 Great Meadows Expense...for the past decade, budget amount is *always* \$4,000, actuals change slightly but never exceed \$2,692 (in 2018). The actual amount has been constant at \$2,048 since 2020. This also provides an example of the budget vs. actuals technique we've discussed.

My understanding, relying on my notes from the last decade, is that these payments are made to Lexington in lieu of taxes. Alan Jones had mentioned Arlington owns the land: Most landowners ~usually~ pay taxes, these payments are in lieu of landowner taxes.

I started to mention this last night, but by the time I looked up the account info, I felt the time had passed as we had moved on to other subjects. Pretty sure this is what Carolyn was referring to when she inquired about payments to Lexington pertaining to Great Meadows. Hopefully this solves the mystery.

Why is it in W&S? Well, that's a different mystery... for another time (and I have a theory).

elementarily yours,
Grant

Comments and Questions about Warrant Articles 43 &44 for Distribution to the Finance Committee

Reference 4

David Stoff <dstoff@rcn.com>

Mon 3/18/2024 2:19 PM

To:Tara Bradley <tbradley@town.arlington.ma.us>

 3 attachments (301 KB)

NPDES Climate Planning.pdf; Town of Arlington's Comments on Draft NPDES Permit for the Deer Island WWTP, November 28, 2023.pdf; Stoff FinCom comments Art 43,44.pdf;

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Tara Bradley, Finance Committee Executive Secretary

Tara:

Could you please distribute this email with my comments regarding the warrant articles for water and sewer to the Finance Committee. I've attached a pdf version if you have to print it out. Unfortunately I will be out of state when the hearings will be held.

Thanks,

David Stoff
88 Fairmont Street
Arlington, MA 02474

Thank you for the opportunity to present my comments on Articles 39, 43 & 44. The issue here is complex, the climate resiliency of Arlington's water and sewer infrastructure.

Background

Recently the Town chose to challenge new climate change resiliency requirements for its water and sewer system. Briefly, the federal Clean Water Act regulates discharges to the nation's waters from point sources through a permit system. One of those point sources is the Deer Island Waste Water Treatment Plant operated by the MWRA. EPA, the permitting authority in Massachusetts, issued a draft permit (NPDES Permit)for MWRA's Deer Island plant last year.

The permit included new requirements related to climate change, such as the development of a Sewer System Major Storm and Flood Events Plans(climate change resiliency planning). EPA also added the communities, like Arlington, whose sewer systems discharge to Deer Island as co-permittees to enforce the requirements.

[Arlington's letter to EPA is attached].

Climate Resiliency Requirements

EPA's climate change resiliency planning requirements are quite detailed [document attached; link to full permit:<https://www3.epa.gov/region1/npdes/mwra/pdf/2023/mwra-2023-draft-permit-pn.pdf>]. Of interest to the Finance Committee would be the requirements for a description of the funding source for resilience planning, and a description of staffing levels and funding sources necessary to implement the plan.

The Town's response raises 2 immediate questions:

- Will any funds appropriated in Articles 39, 43, 44, be used for legal expenses for a permit challenge?
- In the absence of EPA's climate change planning requirements, can DPW state that the water and sewer projects contemplated in Articles 43 &44 will achieve their full service life, or will some of those funds be wasted?

Climate change discussions are usually abstract. When the reality of climate change shifts from comfortable voluntary action to requiring immediate responses (that have to be paid for) the dialog stops.

A practical example for your consideration:

Arlington DPW operates a ground water pump station at Magnolia Park. Maintaining the ground water level helps drain the playing field. It also keeps the yards and basements of adjacent homes from flooding. The pump itself is located in a flood prone area.(See preliminary revised flood maps 2023; <https://storymaps.arcgis.com/stories/92ce50d0a6cd42ee835cfe22c4212a0b>).

Reference 4

Arlington chooses to delay climate change planning requirements. Questions like these arise:

- How will any vulnerability of the Magnolia pump station effect the condition of Magnolia Park?
- Will maintaining the ground water at current levels be possible in 10 years? 20 years? 100 years?
- The FY 24 capital plan for the Parks and Recreation Department has funding for planning a renovation of the adjacent Thorndike Field. How will the drainage of Thorndike Field be impacted and will that project be impacted? Will the Town need another pump there?
- If the Town chooses to upgrade the pump station, when should that happen, how much will it cost, how long will the upgrade last, and what's the best way to pay for it?

Then there's the abutters. Is Arlington prepared to tell them the pump station will maintain the current level of service come hell or high-water? What portion of the public works budget and the Town's civil engineering expertise is to be employed maintaining the marketability of every parcel of land in town without regard to location? Strategic pull back or fight the water to the last drop?

That's the discussion we're not having.

Reasonable differences exist about the extent and probability of climate change driven flooding, but it's difficult for me to understand how a *planning requirement* to assess the vulnerability of Arlington's infrastructure, like the pump station in the example is unreasonable. I hope you understand and share my concerns.

Please find the time to ask the DPW representative who'll appear before you *when and how* they see planning for the climate resiliency of Arlington's water and sewer infrastructure occurring. Are we getting better value from our taxes through delay?

We do ourselves no service when we shrink away from doing big things. It just makes us look small.

David Stoff
88 Fairmont Street
Arlington, MA 02474

- i. A description of the collection system management goals, staffing, information management, and legal authorities;
- ii. A description of the collection system and the overall condition of the collection system including a list of all pump stations and a description of recent studies and construction activities; and
- iii. A schedule for the development and implementation of the full Sewer System Operation and Maintenance Plan including the elements in Parts I.E.2.e.(3)(i) through (3)(ix) below.

(2) Within 12 months of the effective date of the Permit, the Permittee, CSO-responsible Co-Permittees and Co-permittees shall develop and implement a *Sewer System Flood Events Plan* as an element of the *Sewer System Operations and Maintenance Plan*. The Plan shall contain three components: (1) an asset vulnerability evaluation, (2) a systemic vulnerability evaluation of the system and (3) an alternatives analysis. The Plan shall include resiliency planning and implementation informed by an evaluation¹⁸ of all sewer system vulnerabilities to major storm and flood events¹⁹. The planning process shall be iterative, and re-evaluations shall be conducted; (1) if on- or off-site structures are added, removed or significantly changed in any way that will impact the vulnerability of the sewer system and (2) as data sources used for such evaluations are revised or generated. At a minimum, the Plan must take future conditions into consideration, specifically midterm (i.e., 20-30 years) and long-term (i.e., 80-100 years) and, in the case of sea level change, the plan must consider extreme sea level change. The Plan shall be updated every five (5) years from the effective date of this Permit.

¹⁸ To determine the vulnerabilities to the facilities from major storm and flood events, you must conduct the evaluation using, at a minimum, the worst-case data relating to changes in precipitation, sea level rise, extreme weather events, coastal flooding, inland flooding, sewer flow and inflow and infiltration and relevant to the facilities from: 1) the data generated by the 13 federal agencies that conduct or use research on global change that contributed to the latest National Climate Assessment produced by the U.S. Global Change Research Program (USGCRP); 2) climate data generated by the Commonwealth of Massachusetts; and 3) resiliency planning completed by the municipality in which a given facility is located (i.e., City of Boston) and incorporate the results of the evaluation in a manner that demonstrates that the control measures taken are precautionary and sufficiently protective. Evaluation must be completed by a qualified person on a five-year basis considering: 1) historical observations from all years the Permittee has operated the facility prior to this Permit's term; 2) set midterm (i.e., 20-30 years) and long-term (i.e., 80-100 years) ranges.

¹⁹ "Major storm and flood events" refer to instances resulting from major storms such as hurricanes, extreme/heavy precipitation events, and pluvial, fluvial, and flash flood events such as high-water events, storm surge, and high-tide flooding. "Extreme/heavy precipitation" refers to instances during which the amount of rain or snow experienced in a location substantially exceeds what is normal. What constitutes a period of heavy precipitation varies according to location and season. "Extreme/heavy precipitation" does not necessarily mean the total amount of precipitation at a location has increased-just that precipitation is occurring in more intense or more frequent events.

- i. *Component 1: Asset Vulnerability Evaluation.* The first component of the *Sewer System Operation and Maintenance Plan* must assess the vulnerability of individual sewer system-related assets. The Permittee and Co-permittee may find EPA's guide: *Flood Resilience: A Basic Guide for Water and Wastewater Utilities*²⁰ and EPA's website²¹ *Creating Resilient Water Utilities (CRWU)* helpful for completing this component.

The Asset Vulnerability Evaluation shall include, at a minimum, the following:

- (a) Description of planning priorities related to the location of the sewer system;
- (b) Identification of all assets (e.g., pump stations, pipes, etc.), the elevation of the asset, and if the asset falls into the 100-year flood map or the 500-year flood map,²²
- (c) Description of structural improvements, and/or other mitigation measures²³ to minimize²⁴ the impacts of major storm and flood events to each specific asset identified in Part I.E.2.e.(2).i.(b) above.

The Permittee, CSO-responsible Co-Permittees, and Co-permittees shall consider, at a minimum, the following measures:

- (i) Construction of flood barriers to protect structure or reinforce existing structures to withstand flooding and additional exertion of force;
- (ii) Establish remote locations for operations, equipment, records and data backups;
- (iii) Plan and establish alternative or on-site power supply;²⁵

²⁰ https://www.epa.gov/sites/default/files/2015-08/documents/flood_resilience_guide.pdf

²¹ <https://www.epa.gov/crwu>

²² See https://www.epa.gov/sites/default/files/2015-08/documents/flood_resilience_guide.pdf for a basic guide to flood resiliency for water and wastewater utilities.

²³ Mitigation measure can be an emergency planning activity, equipment modification/upgrade or new capital investment/construction project.

²⁴ For the purposes of this provision, the term "minimize" means to reduce and/or eliminate to the extent achievable the impacts to the facilities.

²⁵ The Permittee shall clearly document measures taken specifically to manage energy system disruptions, such as a general power outage, well as document whether and, if so, to what extent, power supply adequate to ensure safe and reliable operations of the facility is threatened during a major storm or flood. They shall clearly document measures that have been taken to address any risks the facility faces of losing power during a major storm or flood in a manner that could result in environmental or public health impacts.

- (iv) Relocate facilities and/or infrastructure to higher elevations;
 - (v) Catalog emergency resources used during a major storm or flood event;
 - (vi) Develop emergency response plans;
 - (vii) Establish mutual aid agreements with neighboring utilities;
 - (viii) Integrate long-term risks into capital improvement plans;
 - (ix) Participate in community planning and regional collaborations;
 - (x) Conduct staff training for implementing your emergency procedures at regular intervals;
 - (xi) When designing new or replacement facilities, strive to locate facilities above the base flood elevation;²⁶
 - (xii) Identify the source of data used to assess vulnerabilities to major storm and flood events; and
 - (xiii) Identify the potential funding sources²⁷ for resilience planning and implementation (e.g., EPA, FEMA, MassDEP, capital planning, etc.).
- ii. *Component 2: Systemic Vulnerability Evaluation.* Upon completing assessment of the vulnerabilities of individual assets, the Permittee and Co-permittee shall evaluate the vulnerability of its sewer system as a whole. This second component of the plan shall include, at a minimum, a systematic vulnerability evaluation for each asset identified in Part I.E.2.e.(2).i.(b), including the following:
- (a) Define the criticality of each asset to the overall sewer system operations; and
 - (b) Identify the highest priority assets for the sewer system and measures²⁸ taken to reduce system vulnerability to risks that could degrade the overall system operations in a manner that would result in environmental or public health impacts.

²⁶ For MA facilities, for activities proposed within Areas Subject to Protection under M.G.L. c. 131, § 40 or the 100-foot buffer zone, the Base Flood Elevation is defined at 310 CMR 10.04, Definitions of Special Flood Hazard Area, Velocity Zone, and Coastal High Hazard Area, Land Subject to Coastal Storm Flowage at 310 CMR 10.36 and Bordering Land Subject to Flooding, and Isolated Land Subject to Flooding at 310 CMR 10.57. Also refer to the Massachusetts State Building Code for any other required standards related to Base Flood Elevation.

²⁷ See <https://www.epa.gov/fedfunds>

²⁸ For example, an asset like a pumping station or headworks is often ranked “high” for criticality, as the safe and reliable operation of many assets during a major storm or flood depend upon the continued operation of that particular asset. If a pump station is degraded or fails, the operations of many other assets can degrade or fail, resulting in environmental or public health impacts.

- iii. *Component 3: Alternatives Evaluation.* Upon completing assessment of the vulnerabilities of the sewer system as a whole, the Permittee, CSO-responsible Co-Permittees, and Co-permittees shall provide an assessment of individual asset-specific, and/or, if appropriate, combinations of mitigation measures must be presented in order to determine the most effective mitigation measures to minimize the impact of major storm and flood events.

This third component shall include, at a minimum, the following with regard to alternative evaluation, at a minimum:

- (a) An evaluation of alternatives including a cost-effectiveness analysis and a review of technical, environmental, and institutional factors. The alternatives analysis should conclude with the development of a recommended plan.
- (b) For each alternative, quantitatively document (including assumptions and methodologies) the residual risk today and for the midterm (i.e., 20-30 years) and long-term (i.e., 80-100 years). The evaluation should include estimates of which customers and geographic areas bear the residual risk from the approach to resiliency planning in that system. Residual risk is a term that refers to the risk remaining for an asset or system, after mitigation measures are taken.
- (c) For each asset, document the total projected alternatives for implementing all planned mitigation measures identified in the *Sewer System Major Storm and Flood Events Plan*.
- (d) Selection of mitigation measures to be undertaken, including:
 - (i) a schedule to implement each selected mitigation measure; and
 - (ii) a map showing the location of planned mitigation measures.

- iv. *Annual Report.* The Permittee and Co-permittee shall submit an Annual Operation and Maintenance Report on the *Sewer System Major Storm and Flood Events Plan* implementation and results for the prior calendar year including documenting any changes to the sewer system or other assets that may impact the current vulnerability evaluation. The first annual report is due the first March 31 following submittal of the *Sewer System Major Storm and Flood Events Plan* and shall be included with the annual report required in Part I.E.3 below.
- (3) The full Sewer System O&M Plan shall be completed, implemented, and submitted to EPA and to MassDEP within twenty-four (24) months from the effective date of this Permit. The Plan shall include:
- i. The required submittal from paragraph I.E.2.e.(1) above, updated to reflect current information;
 - ii. A preventive maintenance and monitoring program for the collection system; including resiliency evaluation and planning that the Permittee, CSO-responsible Co-permittees and Co-permittees owns and operates;
 - iii. Description of sufficient staffing necessary to properly operate and maintain the sanitary sewer collection system that the Permittee, CSO-responsible Co-permittees, and Co-permittees owns and operates and how the operation and maintenance program is staffed;
 - iv. Description of funding, the source(s) of funding and provisions for funding sufficient for implementing the plan that the Permittee, CSO-responsible Co-permittees, and Co-permittees owns and operates plan;
 - v. Identification of known and suspected overflows and back-ups, including manholes. A description of the cause of the identified overflows and back-ups, corrective actions taken, and a plan for addressing the overflows and back-ups consistent with the requirements of this permit that apply to the Permittee, CSO-responsible Co-permittees, and Co-permittees;
 - vi. A description of the Permittee's, CSO-responsible Co-permittee's, or Co-permittee's programs for preventing I/I

related effluent violations and all unauthorized discharges of wastewater, including overflows and by-passes and the ongoing program to identify and remove sources of I/I. The program shall include an inflow identification and control program that focuses on the disconnection and redirection of illegal sump pumps and roof down spouts;

- vii. An educational public outreach program for all aspects of I/I control, particularly private inflow; and
- viii. An Overflow Emergency Response Plan to protect public health from overflows and unanticipated bypasses or upsets that exceed any effluent limitation in the Permit.
- ix. The resiliency evaluation and planning portion of the Sewer System O&M Plan shall be revised at least every five years. See Part I.E.2.e.(2).

3. Annual Reporting Requirement

The Permittee, CSO-responsible Co-permittees and Co-permittees shall submit a summary report of activities related to the implementation of its O&M Plan during the previous calendar year. The report shall be submitted to EPA and to MassDEP annually by March 31. The first annual report is due on the first March 31 following submittal of the O&M Plan required by Part I.E. of this Permit. The summary report shall, at a minimum, include:

- a. A description of the staffing levels maintained during the year;
- b. A map and a description of inspection and maintenance activities conducted, and corrective actions taken during the previous year;
- c. Expenditures for any collection system maintenance activities and corrective actions taken during the previous year;
- d. A map with areas identified for investigation/action in the coming year;
- e. A summary of unauthorized discharges during the past year and their causes and a report of any corrective actions taken as a result of the unauthorized discharges reported pursuant to the Unauthorized Discharges section of this Permit; and
- f. If the average annual flow in the previous calendar year exceeded 80 percent of the facility's 361 MGD design flow (288.8 MGD), or there have been capacity related overflows, the report shall include:
 - (4) Plans for further potential flow increases describing how the Permittee will maintain compliance with the flow limit and all other effluent limitations and conditions; and

November 27, 2023

Michele Barden
U.S. environmental Protection Agency – Region 1
5 Post Office Square, Suite 100 (06-1)
Boston, MA 02109-3912
barden.michele@epa.gov

massdep.npdes@mass.gov

Re: Public Comment
NPDES Permit No. MA0103284
Massachusetts Water Resources Authority (MWRA), Applicant

Dear Ms. Barden:

Please accept this correspondence as public comment for your consideration from the undersigned representatives of the Town of Arlington (“Arlington” or the “Town”) regarding proposed NPDES Permit No. MA0103284 (the “Draft Permit”).

As you know, the Draft Permit relates to proposed authorization of the discharge of waste and sewage into local waterways. Of particular concern to the Town are Combined Sewer Overflow Outfall (“CSO”) Number MWR003, with receiving water listed as “Little River” in Segment MA71-22 and CSO Number SOM001A, also known as the Tannery Brook outfall, with receiving water listed as the Alewife Brook. During the term of the expiring 2000 NPDES permit, the Alewife Brook has suffered significant damage due to the release of millions of gallons of sewage from the above identified CSO’s. Moreover, the flat topography of the low-lying Brook watershed has resulted in a disproportionate impact upon the surrounding area in Arlington. Unfortunately, the conditions contained within the existing permit have not led to a reduction or elimination of CSO events affecting Alewife Brook.

Although the Town recognizes the addition of a specific section addressing CSOs within the Draft Permit and the incorporation by reference therein of the terms of the Variance for limited CSO Discharges to the Alewife Brook/Upper Mystic River Basin that the Massachusetts Department of Environmental Protection (“DEP”) issued on August 30, 2019, it remains the Town’s position that the Draft Permit does not go nearly far enough to protect Alewife Brook and our citizens who live, work or recreate within its 100-year floodplain. Accordingly, while we continue to believe that CSOs should not be authorized, we urge you to revise the Draft Permit so that the practice of permitting CSO’s is at the very least, mitigated to the point that their frequency and volume are dramatically reduced. Now is the time to take action to protect the Alewife Brook.

More specifically, the Town requests that the Draft Permit be revised to address more effectively:

- an end to untreated sewage pollution;
- combined sewer separation;
- the construction of green storm water infrastructure including constructed wetlands, rain gardens, bio swales and tree trenches;
- CSO storage in underground holding tanks and, should other measures be unsuccessful in eliminating CSO events;
- a local Alewife CSO treatment facility.

The types of solutions suggested above are needed not only to protect the Alewife Brook and the surrounding watershed as a waterway and ecosystem, but more importantly, to protect the health of the people in the area. Arlington appreciates and understands the costs of implementing some of these suggested changes, but steps must be taken now to address what has become an untenable situation.

Should CSO events continue to be authorized through the issuance of the next NPDES permit, it is critical that the requirements for notification be upgraded to alert those in the area when an event occurs. A system that provides notification to those nearby in real time, via a wireless, remote controlled, solar powered warning sign with flashing lights, is desperately needed. Such technology exists and is in use in other parts of the country for similar notifications which must be delivered contemporaneously. As recently as this past summer, Alewife Brook overflowed its banks due to CSO discharges from other communities. Print and television news reports captured the accounts and images of cyclists, joggers and pushed baby strollers as they unknowingly made their way through sewage containing, standing water on the Alewife Greenway Bike Path. These events must not continue.

Further, odors emanating from combined sewers, particularly during the summer months, are having a deleterious and disproportionate impact on abutting Arlington residents. Persistent odors often trigger nuisance complaints and interfere with the enjoyment of rear yards and porches. Since impacted parties and passers-by should be able to easily identify parties responsible for inspection and remedial action, the final permit should require a contact phone number on the sign at each outfall for proper reporting of issues. A further condition should require the reporting within monthly maintenance reports of odor complaints relating to CSOs as well as steps taken in response thereto.

As to floatables emanating from CSOs, the Arlington Health Department has received complaints about toilet paper and other floatables, especially in the direct vicinity of SOM001A, caught in the vegetation surrounding the Alewife Brook following CSO discharges. Any revised floatables control plan contained within the next permit should require netting, screening or similar system for capturing and retaining these solids, coupled with a requirement for timely post-discharge removal of same.

An additional concern with the Draft Permit is the inclusion of Arlington, a sanitary sewer community, as a “co-permittee”. As an initial matter, Arlington disputes the authority of either the United States Environmental Protection Agency (“EPA”) or the DEP from designating Arlington as a “co-permittee” as part of the current permit application. Arlington is not a party to the current permit application. Absent a permit application from the Town, neither the EPA, nor

DEP, is empowered with the statutory or regulatory authority to impose conditions or obligations upon Arlington as a designated co-permittee. Accordingly, Arlington requests that it be removed from the Draft Permit as a co-permittee.

Further, Arlington objects to the requirement at Part I. E. 2e. of the Draft Permit that the Town develop and implement plans (Major Events Planning Provisions) to address its sewer system's climate change resiliency. The proposed plans, which would apply to CSO-responsible and sanitary sewer communities alike, contain no explanation of their merits, the process by which they would be formulated, or a source of funding to achieve them. Arlington already has an inflow/infiltration reduction plan that it has been operating for 13 years. Arlington expends significant funding every year to study, design and construct sewer solutions that address its system's effectiveness and climate change resiliency. Additional obligations assigned to a sanitary sewer community like Arlington take attention away from other issues, like those outlined above, that require immediate revision.

Finally, Arlington states that should the requirement at Part I. E. 2e remain as proposed, it will be impracticable for most communities, and especially Arlington, to meet the goal within the 6 months allotted. This is because Arlington will need to seek an appropriation at its Annual Town Meeting in April in order to obtain funding for the coming fiscal year. Once funding is available on July 1st, the Town would need to issue a Request for Proposals in accordance with procurement law in order to engage a consultant. Only once a contract is ratified can the chosen consultant begin to perform the necessary study and analysis. This process typically requires at least 24 months to complete, and this reality needs to be reflected in the Permit should the requirement endure.

Thank you for your consideration of the foregoing comments and for your continued attention to this important matter.

Best regards,



James Feeney
Town Manager, Arlington



Eric D. Helmuth
Chair, Arlington Select Board
(on behalf of entire Arlington Select Board -
Stephen W. DeCoursey, Lenard Diggins,
John V. Hurd, Diane M. Mahon)

cc: Senator Elizabeth Warren
Senator Edward Markey
Congresswoman Katherine Clark

Thank you for the opportunity to present my comments on Articles 39, 43 & 44. The issue here is complex, the climate resiliency of Arlington's water and sewer infrastructure.

Background

Recently the Town chose to challenge new climate change resiliency requirements for its water and sewer system. Briefly, the federal Clean Water Act regulates discharges to the nation's waters from point sources through a permit system. One of those point sources is the Deer Island Waste Water Treatment Plant operated by the MWRA. EPA, the permitting authority in Massachusetts, issued a draft permit (NPDES Permit) for MWRA's Deer Island plant last year.

The permit included new requirements related to climate change, such as the development of a Sewer System Major Storm and Flood Events Plans (climate change resiliency planning). EPA also added the communities, like Arlington, whose sewer systems discharge to Deer Island as co-permittees to enforce the requirements. [Arlington's letter to EPA is attached].

Climate Resiliency Requirements

EPA's climate change resiliency planning requirements are quite detailed [document attached; link to full permit: <https://www3.epa.gov/region1/npdes/mwra/pdf/2023/mwra-2023-draft-permit-pn.pdf>]. Of interest to the Finance Committee would be the requirements for a description of the funding source for resilience planning, and a description of staffing levels and funding sources necessary to implement the plan.

The Town's response raises 2 immediate questions:

- Will any funds appropriated in Articles 39, 43, 44, be used for legal expenses for a permit challenge?
- In the absence of EPA's climate change planning requirements, can DPW state that the water and sewer projects contemplated in Articles 43 & 44 will achieve their full service life, or will some of those funds be wasted?

Climate change discussions are usually abstract. When the reality of climate change shifts from comfortable voluntary action to requiring immediate responses (that have to be paid for) the dialog stops.

A practical example for your consideration:

Arlington DPW operates a ground water pump station at Magnolia Park. Maintaining the ground water level helps drain the playing field. It also keeps the yards and basements of adjacent homes from flooding. The pump itself is located in a flood prone area. (See preliminary revised flood maps 2023; <https://storymaps.arcgis.com/stories/92ce50d0a6cd42ee835cfe22c4212a0b>).

Arlington chooses to delay climate change planning requirements. Questions like these arise:

- How will any vulnerability of the Magnolia pump station effect the condition of Magnolia Park?
- Will maintaining the ground water at current levels be possible in 10 years? 20 years? 100 years?
- The FY 24 capital plan for the Parks and Recreation Department has funding for planning a renovation of the adjacent Thorndike Field. How will the drainage of Thorndike Field be impacted and will that project be impacted? Will the Town need another pump there?
- If the Town chooses to upgrade the pump station, when should that happen, how much will it cost, how long will the upgrade last, and what's the best way to pay for it?

Then there's the abutters. Is Arlington prepared to tell them the pump station will maintain the current level of service come hell or high-water? What portion of the public works budget and the Town's civil engineering expertise is to be employed maintaining the marketability of every parcel of land in town without regard to location? Strategic pull back or fight the water to the last drop?

That's the discussion we're not having.

Reasonable differences exist about the extent and probability of climate change driven flooding, but it's difficult for me to understand how a *planning requirement* to assess the vulnerability of Arlington's infrastructure, like the pump station in the example is unreasonable. I hope you understand and share my concerns.

Please find the time to ask the DPW representative who'll appear before you *when and how* they see planning for the climate resiliency of Arlington's water and sewer infrastructure occurring. Are we getting better value from our taxes through delay?

We do ourselves no service when we shrink away from doing big things. It just makes us look small.

David Stoff
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